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HIGH COURT OF JUDICATURE AT BILASPUR, CHHATTISGARH

SINGLE BENCH: HON'BLE SHRI S.R. NAYAK, CJ.

WRIT PETITION NO. 1529 OF 2006

PETITIONER — Narayan Prasad Kumbhkar, aged about 32 year, S/o Ganesh Ram Kumbhkar, R/o Village Panthora, Via Hardi Bazar Distt. Janjgir Champa (C.G.)

Vs.

RESPONDENTS

1. The State of Chhattisgarh through its Secretary, Agriculture Department, Raipur
2. The Collector and District Election Officer (Mandi), Distt. Janjgir Champa
3. Krishi Upaj Mandi Samiti, through its Secretary, Naila, Janjgir (C.G.)
4. Bishunlal Kashyap, aged about 55 years, S/o Shri Kedar Kashyap, R/o Village Pendri Tahsil and Distt. Janjgir Champa
5. Sub Divisional Officer (Revenue) (Presiding Officer) Janjgir
6. Director, C.G. Rajya Krishi Vipanan Board, Bilaspur

Present: Mr. Parag Kotecha, learned counsel for the petitioner.
Mr. Sanjay S. Agrawal, learned counsel for the State.
Mr. V.K. Pandey, learned counsel for respondent No.4.

ORAL ORDER
(Passed on 4th April, 2006)

In an election held on 02/03/2006, the petitioner was elected as Vice Chairman of the Krishi Upaj Mandi Samiti, Naila, Janjgir defeating the fourth respondent who contested for that post. The fourth respondent being aggrieved by his defeat, it appears, raised a dispute before the second respondent. The second respondent without authority of law entertained the dispute and by the impugned order dated 20/03/2006 has set aside the election of the petitioner as Vice Chairman of Krishi Upaj Mandi Samiti, Naila, Janjgir. In the circumstance, this writ petition is filed.

The contention of the learned counsel for the petitioner is that under Section 66-A of the Chhattisgarh Krishi Upaj Mandi Adhiniyam, 1972, the competent authority to entertain the election dispute is the State Government and not the second respondent. The contention of the learned counsel for the petitioner is well-founded and not disputed by the learned counsel for respondent. On that short ground, the impugned order of the second respondent should be treated as a nullity in the eye of law. Accordingly, the writ petition is allowed. The impugned order is quashed. No costs.

Sd/-
Chief Justice